IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MACON COUNTY INVESTMENTS, INC. and REACH ONE, TEACH ONE OF AMERICA, INC.,	)
Plaintiffs,	)
	)**C.A.N.: 3:06-cv-224-WKW**
v.	)
SHERIFF DAVID WARREN, in his official capacity as the SHERIFF OF MACON COUNTY, ALABAMA,	)
Defendant.	)

PLAINTIFFS' REPLY BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

COMES NOW the Plaintiffs, Macon County Investments, Inc. ("MCI") and Reach One, Teach One of American ("Reach One, Teach One") and hereby files this Reply Brief in Support of their Motion for Summary Judgment. The Plaintiffs state the following:

I. THE PLAINTIFFS DID NOT MAKE MISSTTATEMENTS TO THE COURT IN THEIR MOTION FOR SUMMARY JUDGMENT

The Defendant has alleged that the Plaintiffs have misstated the law as it relates to the standard of review for a Motion for Summary Judgment and have misstated several facts. The Plaintiffs have not made such misstatements.

The Plaintiffs did not misstate the standard of review for summary judgment. Although the Defendant may have offered additional authority to support the standard of review, this does not negate the standard articulated by the Plaintiffs.

Further, the Defendant states that the Plaintiffs made a misstatement to the Court in that no relative of Defendant's counsel owns a charity licensed by the Sheriff. The license for the Tuskegee Human Rights and Multicultural Center was attached as Exhibit 7 to the Plaintiffs' Memorandum Brief in Support of Motion Summary Judgment. The Plaintiffs now also attach the application for a license submitted by the Multicultural Center to the Defendant as additional proof of this fact. (Exh. 1, Multicultural Center Application). The Plaintiffs cannot attest whether the facts stated on the application remain true as of today, but they were true at the time the application for a license was submitted.

Additionally, the Plaintiffs stated that they contracted for the purchase of land based upon assurances made by the Sheriff. This is a true statement. Through the discovery process, the Plaintiffs produced the contract through the discovery process. The Plaintiffs now attach this contract as additional proof of this fact. (Exh. 2, Land Contract).

II. AMENDMENT 744 DOES NOT ANTICIPATE A MONOPOLY

The Defendant argues that he has not exceeded the rule-making authority in Amendment 744. Although the Amendment does place the responsibility of creating rules for the operation and regulation or bingo in Macon County, it does not anticipate a monopoly. The Amendment gives some general requirements that the Sheriff must ensure compliance. The Amendment prohibits anyone under the age of nineteen (19) from operating or playing bingo. The Amendment also requires any non-profit charity seeking a license to have been in existence for at least three years prior to making an application.

The Amendment does not anticipate that the Defendant would limit the number of Class B bingo licenses to 60 and subsequently allow over 59 licensees to conduct bingo at the same qualified location. The Amendment does not anticipate that a qualified location would have to erect a $15 million structure before it could be approved as a location to operate bingo. The Amendment does not allow the Defendant to create such impossibilities as he has done. Because of these impossibilities, the Defendant has overextended his rule-making authority.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon all counsel of record via this Court's electronic filing system on this the 29th day of June, 2007.

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